

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANNISSA COLSON,)
)
Plaintiff,)
)
v.) No. 3:16-CV-377-RLJ-DCP
)
CITY OF ALCOA, *et al.*,)
)
Defendants.)

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is a Motion to Lift Stay, Clarify the Status of the Current Stay in Place and/or Enter a Revised Scheduling Order [Doc. 103] (“Motion to Lift Stay”), filed by Defendants City of Alcoa, Tennessee, Chief Philip K. Potter, Lieutenant Keith Fletcher, Officer Dustin Cook, and Officer Arik Wilson. Defendant Mandy England filed a Response [Doc. 104] to the Motion, requesting that the Court bar any further discovery until her pending Motion for Summary Judgment is decided.

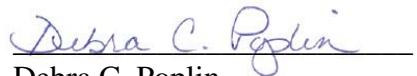
By way of background, Defendant England filed a Motion to Stay [Doc. 70], requesting that the Court stay discovery as to all Defendants based on the qualified immunity doctrine. The motion also requested that the stay remain effective until the Court resolved her Motion for Summary Judgment. The Court addressed the motion at a hearing on September 12, 2017. During the hearing, the parties agreed to limit discovery but allow Plaintiff to depose Defendant England and Defendant Bishop so that Plaintiff could respond to Defendant England’s Motion for Summary Judgment. The parties also agreed to conduct their Rule 26(f) conference. Several Defendants

stated that they would like to proceed with discovery, and the parties agreed to work together on completing discovery requests. The parties stated that if there were any issues with discovery, they would contact the Court for guidance and/or resolution.

The instant Motion to Lift Stay requests that the Court clarify the current parameters of the stay. On March 26, 2018, however, the District Judge entered a Memorandum Opinion [Doc. 105] and an Order [Doc. 106], granting in part and denying in part Defendant England's Motion for Summary Judgment. Subsequently, defense counsel who filed the Motion to Lift Stay reported to the Court that his Motion was moot unless an appeal was filed on qualified immunity grounds. The Court finds that discovery should proceed accordingly because Defendant England's Motion for Summary Judgment has been resolved and no appeal has been filed. Accordingly, the Court finds the Motion to Lift Stay, Clarify the Status of the Current Stay in Place and/or Enter a Revised Scheduling Order [Doc. 103] is **DENIED AS MOOT**.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge